

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS  
DKT NO. 1:18-mj-07179-JCB

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UNITED STATES OF AMERICA

v.

BRIAN WALSH

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MOTION OF DEFENDANT FOR HEARING TO REQUEST MODIFICATION  
OF CONDITIONS OF RELEASE

Now comes the defendant, Brian Walsh, and moves this Honorable Court to schedule a hearing for the purpose of requesting modifications the conditions of release in this matter. In support of this motion, Mr. Walsh submits as follows:

1. At the First Appearance in this matter, Mr. Walsh was allowed to post significant bond to be released from custody. Other release conditions included the surrender of his passport, home curfew, the wearing of a monitoring bracelet (EHM) and the supervision of Pretrial Services.
2. Mr. Walsh is a 43 year-old father of one. He is a businessman who lives with his wife and child in Lynn, Massachusetts and is about to buy real estate and move to Marblehead, Massachusetts. He has no prior record and at the First Appearance, Pretrial Services recommended that a bracelet, curfew or GPS monitoring was not necessary after its interview and initial investigation into Mr. Walsh.
3. After hearing argument, during which time evidence was shown of strong ties to the community, the Magistrate imposed the above-listed conditions. The court also indicated a willingness to review these conditions after there was more time to get to "know each other" as Mr. Walsh was new to the system and had no known history that made the court or Government comfortable with less restriction.
4. Approximately six months has transpired since the Initial Appearance. During this time, the Government and defense counsel have had a number of discussions about this matter. More importantly, Mr. Walsh has completely complied with everything asked of him by this Honorable Court and by Pretrial Services. In fact, upon information and belief, Pretrial Services has not changed its position and would support this motion.

5. While Mr. Walshe had not been aware of his pending arrest at the time of the First Appearance, he has been aware of the charges against him in this matter. He is also aware that the Government is seeking to Indict him. Nevertheless, he has completely complied with Pretrial Services and, it is submitted, has given additional strong evidence that he is not a flight risk, despite his previous ability to travel in the past.
6. As argued at the First Appearance, the EHM/curfew greatly prejudices Mr. Walshe in terms of his business, given the nature of said business which includes the wine busyness. As the holiday season approaches, it also restricts Mr. Walshe's ability to fully enjoy the said holidays with his family.
7. While the Government has not agreed to the removal of the EHM/curfew, it has agreed to have the matter scheduled for a hearing.

WHEREFORE, the defendant, Brian Walshe, respectfully requests that after review and re-hearing that this Honorable Court either strike the EHM/curfew restrictions from his conditions. The defendant further respectfully requests that a hearing on this motion be set for the morning of Thursday, October 25<sup>th</sup>, Friday, October 26<sup>th</sup> or the afternoon of Monday, October 29<sup>th</sup>.

Respectfully submitted,

Brian Walshe

By his attorney,

Samuel B. Goldberg  
BBO #549248  
689 Massachusetts Avenue  
Cambridge, MA 02139  
Dated: October 24, 2018

#### CERTIFICATE OF SERVICE

I, Samuel B. Goldberg, hereby certify that on October 24, 2018, I served a true copy of the foregoing document upon all parties, by electronically filing to all ECF registered parties.

/s/ Samuel B. Goldberg